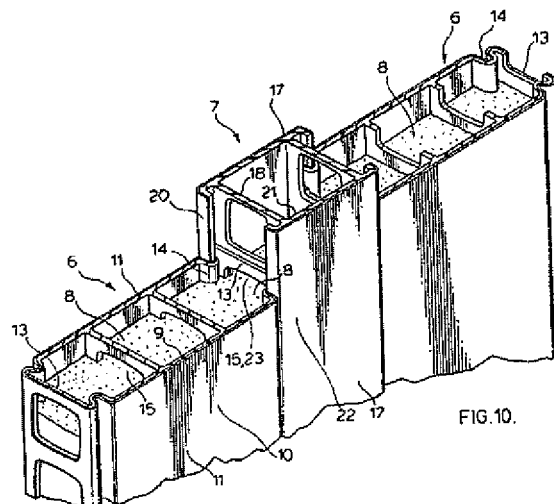


Amended claim 26 should be allowed over Denny as it depends from patentable claim 24. Further, claim 26 requires that the window opening comprises a concrete indentation to receive a window frame. Denny does not disclose a window opening comprising a concrete indentation. For at least these reasons, claim 26 should be allowed.

The De Zen Reference

The Examiner further rejects claims 24, 25, and 27-29 under 35 U.S.C. §102(b) as being anticipated by De Zen. Each of these claims depend from Applicant's independent claim 24, which, as amended, requires an insulative panel. De Zen does not disclose such a panel.

As shown in Figure 10 of De Zen, panels 6 allow concrete to flow through the length of the wall as the wall is filled with liquid concrete. The panels are "preferably a polyvinyl chloride containing a reinforcing and expansion controlling agent" (Col. 5, lines 51-56). De Zen does not disclose an insulative panel. For at least this reason claim 24 should be allowed over De Zen. Claims 25 and 27-29 depend from claim 24, and, for at least this reason, should also be allowed over De Zen.



Amended claim 26 should be allowed over De Zen as it depends from patentable claim 24. Further, claim 26 requires that the window opening comprises a concrete indentation to receive a window frame. Denny does not disclose a window opening comprising a concrete indentation. For at least these reasons, claim 26 should be allowed.

New Claims

Applicant has added new claims 41-54. Claim 41 depends from claim 24 and further requires that the insulative panel comprises a foam panel. Support for new claim 41 can be found in paragraph [0042] of Applicant's disclosure. Neither Denny nor De Zen discloses a foam panel. For at least this reason, claim 41 should be allowed.

New claim 42 depends from claim 24 and requires that the port concrete receiving comprises an opening to receive concrete along said vertical direction of said plurality of studs. Support for claim 42 can be found in Figure 11 of Applicant's disclosure. Claim 42 is allowable as neither Denny nor De Zen such a feature in combination with an insulative panel.

New claim 43 depends from claim 25 and requires that the concrete contacts a portion of a window frame, support for which can be found in Figures 12-13 and [0066] of Applicant's specification. Neither Denny nor De Zen disclose concrete contacting a window frame. In Denny, the perimeter of a window opening is lined with jamb pieces 90 and 86. No concrete contacts a window frame. De Zen forms a portion of the window opening with a lintel 42 filled with concrete (Col. 8, lines 34-50), the lintel contacts a window frame, the concrete does not. For at least these reasons, claim 43 should be allowed.

New claims 44-48 include a removable block feature. Claim 44 depends from claim 26 and requires that a removable block for forming the concrete indentation. Applicant's Figures 12-13 provide support for these claims. Claim 45 depends from claim 44 and defines the location of the removable block as near the lower portion of the port. Claim 46 also depends from claim 44 and defines the location of the removable block as on an exterior side of the wall assembly. Claim 47 depends from claim 44 and defines the location of the concrete indentation formed by the removable block as near the lower portion of the port. Claim 48 also depends from claim 44 and defines the location of the concrete indentation formed by the removable block as on an exterior side of the wall assembly. In addition to depending from an allowable claim, neither Denny nor De Zen discloses a removable block, and, for at least this reason, claims 44-48 should be allowed.

New independent claim 49 requires, in part, a removable block for forming an indentation in the concrete, where the indentation is sized to receive a window frame. Neither Denny nor De Zen discloses such a removable block feature. For this reason, claim 49 should be allowed.

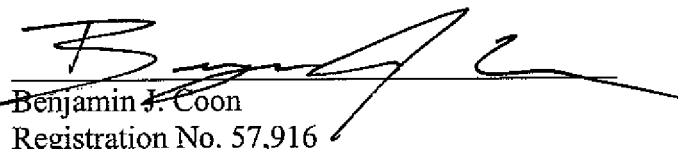
New claim 50 depends from claim 49 and requires that the concrete contacts a portion of a window frame, support for which can be found in Figures 12-13 and [0066] of Applicant's specification. Neither Denny nor De Zen disclose concrete contacting a window frame. In Denny, the perimeter of a window opening is lined with jamb pieces 90 and 86. No concrete contacts a window frame. De Zen forms a portion of the window opening with a lintel 42 filled with concrete (Col. 8, lines 34-50), the lintel contacts a window frame, the concrete does not. For at least these reasons, claim 50 should be allowed.

New claims 51-54 further define the location of the removable block or the concrete indentation. Applicant's Figures 12-13 provide support for these claims. Claim 51 depends from claim 49 and defines the location of the removable block as near the lower portion of the port. Claim 52 depends from claim 49 and defines the location of the removable block as on an exterior side of the wall assembly. Claim 53 depends from claim 49 and defines the location of the concrete indentation formed by the removable block as near the lower portion of the port. Claim 54 also depends from claim 49 and defines the location of the concrete indentation formed by the removable block as on an exterior side of the wall assembly. Claims 51-54 also depend from an allowable claim, and, for at least this reason, claims 51-54 should be allowed.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

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Dated: November 16, 2006